IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

LA.App..No. 1061 of 2004()

LAR.52/1999 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT

THE SPECIAL TASHILDAR (LA),
N.H.NO.1, KOZHIKODE.

BY SRI.RAJAN JOSEPH, ADDL.A.G.
BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANT

MADAYIL KUMARAN,
S/O.CHATHUKUTTY,
MEDAYIL HOUSE, KARUVISSERY.

BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. 1061 of 2004-A

Dated: November 21, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the State against the judgment and decree in LAR 52/1999 on the file of the Sub Court, Kozhikode. The acquisition is for the Calicut Byepass. The property is situated in Vengeri village. Though the claimant attempted to place reliance on Exts.A1, A2 and the report of the advocate commissioner, the reference court refused to accept the same finding that the acquired property was not similar and comparable to the property covered by Exts.A1 and A2. In those cases the land value is fixed at Rs.30,000/- per cent. But it has come out in evidence that this property is situated in an important locality within the local limits of Kozhikode Corporation. In view of the importance of the locality as above, the reference court fixed the land value at Rs.23,000/- per cent. It may be noted that in several cases pertaining to Vengeri village in respect of acquisition of property situated in comparatively less important places, this court has fixed the land value at Rs.20,000/- per cent (LAA 418/2002). In that view of the matter, we do not find any merit in the appeal. It is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-